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GROUP 3600

Our Docket No. 20010202.ORI

*#9
Request for
Reconsideration
12/10/01*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Anderson

S.N. : 09/880,532

Art Unit 3673

Filed : 06/13/2001

Examiner Kreck

For : Walk Behind Floor Stripping Machine with Hydraulic Drive

RECONSIDERATION AFTER FINAL

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the office action of 09/30/02.

The office action of 09/30/02 stated that new drawings were required to show features claimed. New drawings were submitted September 10, 2002 showing the features.

The office action did not consider the applicant's arguments regarding obviousness. The examiner instead sited the Keller and Merck cases for the proposition that one cannot show non-obviousness by attacking references individually, whereas here the references are based on combinations of references.

This rejection does not apply in this case because the applicant did not attack any of the references and because there is only one combination of references cited by the examiner. Both Keller and Merck had at least two separate combinations of two or more references. The examiner only cited one combination. Anderson 809 and Fisher.

Further there was some confusion introduced by the applicant in the last response, as there are two Anderson patents. The examiner stated that the applicant was admitting that Anderson had an electric motor with a direct drive for driving the wheels. Anderson

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6,135,556 does have this feature. The examiner was referring to Anderson 4,162,809 which does not have this feature.

The history of the Anderson family of products begins with the 4,162,809 patent which has an electric motor for driving the stripper blade and the device is pushed manually. In Anderson 6,135,566 the electric motor was connected to the drive wheels for driving the device as well as to the stripper blade. The electric motor drive was found to be inadequate for the reasons argued in the last office action and repeated below. A new solution to the problem of driving the device was found by using a variable and reversible hydraulic drive motor for the wheels and retaining the electric motor direct drive for the stripper blade.

Taking the combination of Fisher and Anderson 809 as the examiner proposes does not yield the claimed combination. The applicant claims an electric motor mechanically connected to the stripper blade and a hydraulic motor for driving the wheels of the device. The hydraulic motor driven by a pump mechanically connected to the electric motor.

Fisher has two hydraulic motors one for the sweeper and one for the wheels. A combination of Fisher and Anderson 809 would not yield the invention described, since Fisher has both the sweeper and the drive wheels driven by hydraulic motors and both hydraulic motors are driven by a single pump. Two separate valves drive the hydraulic motors separately. Anderson 809 has an electric motor drive on the stripper blade and no control on the speed of the motor. The combination of Fisher and Anderson 809 introduces a conflict as to how to drive the blade. The combination does not yield the invention.

Similarly Anderson 566 has an electric motor for driving the wheels and the stripper blade. Again the combination for Fisher and Anderson 566 does not yield the claimed invention since Fisher has the sweeper and the wheels driven by separately controlled hydraulic motors and Anderson 566 has an electric motor directly driving both the stripper blade and the drive wheels with no variable speed control. The combination again does not yield the invention but now sets up two conflicts, one as to how to drive the stripper blades and the second as to how to drive the wheels.

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As stated in the arguments of the last office action it is not trivial as to which combination to choose to result in the desired properties.

The last office action argued as follows:

"The direct combination of Fisher and Anderson would not yield the claimed invention. Only unobvious selected features of each invention would have to be chosen to make the new combination.

Neither Fisher nor Anderson teaches the use of hydraulics for driving the wheels while retaining the electric motor for directly driving the blade. The advantage of the direct drive of the blade is that it is always on with a forceful direct mechanical connection to the motor. The advantage of hydraulically driving the drive wheels is that it has a slower acceleration and deceleration over a direct drive link to the electric motor for smoother operation. This provides for a less jerky operation of the floor stripper and thus a better stripping action on the floor. Further, driving the wheels with hydraulics provides an independent control of the speed and direction of the stripper compared to the speed of the electric motor. It would not be obvious that these advantages would result from using a portion of the Fisher features combined with a portion of Anderson features.

Further the use of the hydraulic motor for driving the wheels reduces the electricity used since there is less frictional loss of energy for hydraulics driving the machine than in a mechanical connection to the wheels.

It would not be obvious that these advantages would result from using a portion of the Fisher features combined with a portion of Anderson features. Therefore claim 1 is allowable over the references."

Since the examiner did not address this issue in the final office action by citing Keller and Merck, which do not apply here, and since the applicant confused the two Anderson references in the last reply, the applicant requests reconsideration on the issue of obviousness.

Further the applicant by his own development history shows that the product evolved from an electric motor direct drive blade in Anderson 809 to an electric motor direct drive blade and direct drive wheels from the same electric motor of Anderson 566, showing that it was not obvious to use a hydraulic pump and motor driven by the electric

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motor to hydraulically drive the wheels while retaining the electric motor direct drive on the stripper blade.

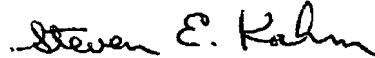
Once the applicant worked out the claimed combination an improved stripping device resulted which is believed to be allowable over the prior art cited.

Reconsideration of the last office action is therefore requested.

Respectfully submitted,

December 3, 2002

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